



DEPARTMENT OF VETERANS AFFAIRS

Billing Code 8320-01

[OMB Control No. 2900-0085]

Proposed Information Collection (Appeal to Board of Veterans' Appeals) Activity

Comment Request

AGENCY: Board of Veterans' Appeals, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Board of Veterans' Appeals (BVA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the Federal Register concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to process appeals for denial of VA benefits.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Submit written comments on the collection of information through the Federal Docket Management System (FDMS) at [www.Regulations.gov](http://www.Regulations.gov) or to Sue Hamlin, Board of Veterans' Appeals (01C2), Department of Veterans Affairs, 810

Vermont Avenue, NW, Washington, DC 20420 or e-mail [sue.hamlin@va.gov](mailto:sue.hamlin@va.gov). Please refer to "OMB Control No. 2900-0085" in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Sue Hamlin at (202) 632-5100.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104-13; 44 U.S.C. 3501 – 3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, BVA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of BVA's functions, including whether the information will have practical utility; (2) the accuracy of BVA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Titles:

- a. Appeal to Board of Veterans' Appeals, VA Form 9.

b. Withdrawal of Services by a Representative.

c. Request for Changes in Hearing Date.

d. Motions for Reconsideration.

OMB Control Number: 2900-0085.

Type of Review: Extension of a currently approved collection.

Abstract:

a. Appeal to Board of Veterans' Appeals, VA Form 9, may be used by appellants to complete their appeal to the Board of Veterans' Appeals (BVA) from a denial of VA benefits. The information is used by BVA to identify the issues in dispute and prepare a decision responsive to the appellant's contentions and the legal and factual issues raised.

b. Withdrawal of Services by a Representative: When the appellant's representative withdraws from a case, both the appellant and the BVA must be informed so that the appellant's rights may be adequately protected and so that the BVA may meet its statutory obligations to provide notice to the current representative.

c. Request for Changes in Hearing Date: VA provides hearings to appellants and their representatives, as required by basic Constitutional due-process and by Title 38 U.S.C. 7107(b). From time to time, hearing dates and/or times are changed, hearing requests withdrawn and new hearings requested after failure to appear at a scheduled hearing.

The information is used to comply with the appellants' or their representatives' requests.

d. Motions for Reconsideration: Decisions by BVA are final unless the Chairman orders reconsideration of the decision either on the Chairman's initiative, or upon motion

of a claimant. The Board Chairman, or his designee, uses the information provided in deciding whether reconsideration of a Board decision should be granted.

Affected Public: Individuals or households, Business or other for profit, and Not for profit institutions.

Estimated Total Annual Burden:

- a. Appeal to Board of Veterans' Appeals, VA Form 9 – 50,941 hours.
- b. Withdrawal of Services by a Representative - 183 hours.
- c. Request for Changes in Hearing Date – 1,343 hours.
- d. Motions for Reconsideration – 642 hours.

Estimated Average Burden Per Respondent:

- a. Appeal to Board of Veterans' Appeals, VA Form 9 - 1 hour.
- b. Withdrawal of Services by a Representative - 20 minutes.
- c. Request for Changes in Hearing Date - 15 minutes (hearing date change), 15 minutes (request to withdraw a hearing), - 1 hour (requests change a motion).
- d. Motions for Reconsideration - 1 hour.

Frequency of Response: On occasion.

Estimated Total Number of Respondents:

- a. Appeal to Board of Veterans' Appeals, VA Form 9 – 50,941
- b. Withdrawal of Services by a Representative - 550.
- c. Request for Changes in Hearing Date – 3,070.
- d. Motions for Reconsideration – 642.

Dated: November 20, 2014.

By direction of the Secretary.

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Crystal Rennie, Department Clearance Officer,  
Department of Veterans Affairs.

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